

BOARD FOR JUDICIAL ADMINISTRATION



WASHINGTON
COURTS

MEETING PACKET

**FRIDAY, MAY 16, 2008
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC OFFICE CENTER
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

Chief Justice Gerry Alexander, Chair
Supreme Court

Judge Vickie Churchill, Member-Chair
Superior Court Judges' Association
Island County Superior Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Mr. Stanley A. Bastian
President, Washington State Bar Association

Judge C. C. Bridgewater
Presiding Chief Judge
Court of Appeals, Division II

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Tari Eitzen
Superior Court Judges' Association
Spokane County Superior Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Mr. Jeff Hall
Interim State Court Administrator

Mr. Mark Johnson
President-elect, Washington State Bar
Association

Justice Barbara Madsen
Supreme Court

Judge Richard McDermott
President, Superior Court Judges' Association
King County Superior Court

Judge Larry McKeeman
Superior Court Judges' Association
Snohomish County Superior Court

Judge Robert McSeveney
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Marilyn Paja
District and Municipal Court Judges'
Association
Kitsap County District Court

Judge Linda S. Portnoy
District and Municipal Court Judges'
Association
Lake Forest Park Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge John Schultheis
Court of Appeals, Division III

Judge Stephen R. Shelton
President, District and Municipal Court Judges'
Association
Puyallup Municipal Court

Board for Judicial Administration

May 16, 2008

9:30 a.m.

AOC SeaTac Office,
Suite 1106, SeaTac Office Center

Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Vickie Churchill	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
Action Items		
3. April 18, 2008 Meeting Minutes Action: Motion to approve the minutes of the April 18, 2008 meeting	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
4. Draft Criteria of Family and Juvenile Court Improvement Plan Action: Motion to approve the Phase I and Phase II funding criteria	Judge Deborah Fleck Ms. Regina McDougall	Tab 2
5. BJA Long-range Planning Committee Taskforce Recommendation Reviews Action: Determine action for each recommendation	Ms. Mellani McAleenan	Tab 3
6. Revised Principal Policy Objectives of the Washington State Judicial Branch Action: Motion to endorse the revised Policy Objectives	Judge Rebecca Baker	Tab 4
Reports and Information		
7. 2009-11 Biennium Budget Update	Mr. Ramsey Radwan	
8. Access to Justice Board	Mr. M. Wayne Blair	
9. Washington State Bar Association	Mr. Stan Bastian	
10. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Barbara Madsen Judge C. C. Bridgewater Judge Vickie Churchill Judge Stephen Shelton	
11. Other Business Next meeting: June 20 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Gerry Alexander Judge Vickie Churchill	

Board for Judicial Administration
April 18, 2008
AOC SeaTac Office
SeaTac, Washington

Members Present: Chief Justice Gerry Alexander, Chair; Judge Vickie Churchill, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge C. C. Bridgewater; Judge Leonard Costello; Judge Sara Derr; Judge Susan Dubuisson; Judge Deborah Fleck; Mr. Jeff Hall; Ms. Paula Littlewood; Judge Richard McDermott; Judge Larry McKeeman; Judge Robert McSeveney; Judge Marilyn Paja; and Judge Stephen Shelton

Guests Present: Ms. Roni Booth, Ms. Kathy Martin, Ms. Kathy Seymour, and Mr. Paul Sherfey

Staff Present: Ms. Ashley DeMoss, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, and Mr. Chris Ruhl

The meeting was called to order by Chief Justice Alexander.

March 21, 2008 Minutes

It was moved by Judge Derr and seconded by Judge McSeveney to approve the minutes of the March 21, 2008 meeting. The motion carried.

Trial Court Operations Funding Committee Budget Request Priorities

Mr. Hall stated the Trial Court Operations Funding Committee was directed by the BJA to develop three funding recommendations: 1) reaching state payment of one-half of the district court and qualified municipal court judge salaries, 2) increasing Interpreter Program funding, and 3) increasing juror compensation. The Committee developed the proposals and they were included in the meeting materials.

Proposal to reach state payment of one-half of the district court and qualified municipal court judge salaries: Two different options were presented to the BJA.

Option 1 – Would be phased in over a three-year period. The cost would be approximately \$5.3 million in the upcoming biennium and \$3.5 million in the following biennium. The state funding increases work out to about a 10% increase per year.

Option 2 – Would be phased in over a six-year period. The cost would be approximately \$2.6 million in additional funding in each of the next three biennia. The state funding increases would work out to about a 5% increase per year.

The costs of these proposals would increase incrementally with Salary Commission increases.

Juror Pay Increases: The Committee looked at a variety of proposals regarding juror pay and decided to forward the proposal of \$60 of state pay per day starting on the second day of service to the BJA. The local government would pay \$10 (or their current local rate, if it is not \$10) for the first day. The state would also assume all juror travel costs. The biennial cost of the proposal is \$24,520,894.

Judge Derr asked if the results of the juror pay project have been published yet. Mr. Hall stated he expects the results to be released later this spring. He indicated the budget request item could be adjusted, if needed, after the report is released.

Interpreter/LAP Budget Request: The Committee is proposing a budget request of approximately \$3.5 million (Option A). The request requires the state to pay approximately one-third of the total court interpreter costs statewide.

Mr. Hall stated a motion was needed to advise the Trial Court Operations Funding Committee on the budget request amounts to send forward to the Supreme Court Budget Committee.

It was moved by Judge Derr and seconded by Judge Dubuisson to endorse and recommend to the Supreme Court Budget Committee the Trial Court Operations Funding Committee best estimate of budget request priorities including the higher amount for judges (\$5,361,008 plus the September Salary Commission increase) and the higher amount for interpreters (\$5,546,990) for a total request of \$35,428,892. The motion carried.

The BJA prioritized the funding proposals.

It was moved by Judge McKeeman and seconded by Judge Fleck that the top priority be juror pay. The motion carried with Judge Baker opposing.

It was moved by Judge Fleck and seconded by Judge McSeveney that the increase in state funding of district court and qualified municipal court judges salaries be the second priority. The motion carried with Judge Appelwick opposing.

BJA Endorsed Principal Policy Objectives of the Washington State Judicial Branch

Mr. Hall reported that two things have come up since the March BJA meeting when the Principal Policy Objectives of the Washington State Judicial Branch were endorsed. Judge Quinn-Brintnall asked that this be placed back on the agenda to discuss objective #6 and revisions to objective #4 were suggested by the Office of Public Defense (OPD) and the Office of Civil Legal Aid (OCLA).

Judge Bridgewater made the following comments regarding the Policy Objectives:

- Objective #2 has a very broad category of other characteristics and it seems to him this could morph into rules and could lead to lawsuits and demands.
- Objective #1 refers to statutory mandates. The Court of Appeals and Supreme Court are not bound by statutory language but are bound to follow the constitutions of the state and nation.
- Objective #4 talks about meaningful access to all and is a broad right to counsel which doesn't appear to be limited in any case. It could provide a springboard to obligate the courts to appoint in every case.
- The language in objective #6 would provide a request to access for all public records and would fall under the Attorney General's suggestion that there would be a spidery access like Google. If someone wanted to know if a judge had a conversation with another judge regarding a case, someone could spider it and it would be an open record. Judge Bridgewater thinks this is a risk.

Mr. Hall responded that regarding objective #4, new wording was suggested by OPD and OCLA and it was included in the meeting materials. In objective #6, it refers to public records and the records Judge Bridgewater referred to are not public at this point in time.

Judge Dubuisson stated that the BJA worked over and endorsed the Policy Objectives so OCLA and OPD could give their input. She asked if the BJA was at a point to start over. Judge Churchill suggested that this should be brought back for reconsideration at the May BJA meeting.

Mr. Hall stated that the Supreme Court is going to consider the Policy Objectives and before considering, they requested input from the BJA, OCLA, and OPD. It is important for the BJA to indicate whether or not they endorse the Policy Objectives.

Judge Baker shared that after the last meeting, she was thinking about objective #6 and has a question as to whether this is really one of the BJA's core values or

not. Is this really one of the BJA's objectives and policies or it is more overall government and does this really belong in there?

Judge Fleck moved and Judge Appelwick seconded to reconsider the Principal Policy Objectives of the Washington State Judicial Branch taking into account each of Judge Bridgewater's questions. The motion carried with Judge Dubuisson opposing.

It was determined the Policy Objectives should be discussed in more detail during a future BJA meeting.

Chief Justice Alexander stated he would like to see a small committee working on the Policy Objectives because he doesn't see how a committee the size of the BJA can successfully wordsmith the document.

It was moved by Judge Fleck and seconded by Judge Baker to establish a committee, chaired by Judge Bridgewater, to wordsmith the Principal Policy Objectives of the Washington State Judicial Branch and bring the Policy Objectives back to the BJA for review and endorsement. The motion carried.

Courts of Limited Jurisdiction Legislation

The BJA Regional Courts of Limited Jurisdiction Policy Statement (adopted November 18, 2005) was distributed in the meeting materials.

Mr. Hall suggested having a piece of legislation introduced next session regarding this subject. An ad hoc committee could work on drafting the legislation. The committee could consist of several district and municipal court judges, a superior court judge with limited jurisdiction court experience, and a court administrator. AOC staff on the committee would include Ms. DeMoss, Mr. Marler and Mr. Hall. It was the consensus of the Board to go forward with this ad hoc committee.

Gender and Justice STOP Grant Award Update

Judge Derr reported that the Gender and Justice Commission has the authority to grant and administer the STOP (Services, Training, Officers, Prosecutors) Formula Grant to the courts for specific projects. Five jurisdictions were awarded grants for various uses: Asotin County District Court, Lincoln County District Court, Sedro Woolley Municipal Court, Spokane County District Court, and Yakima County Superior Court. The Commission spreads the funding over the basic needs requests and the more sophisticated requests. A complete list of grant recipients and project descriptions was distributed in the meeting materials.

BJA Long-range Planning Committee Taskforce Recommendation Reviews

Last fall, the BJA's Long-range Planning Committee came to the BJA with recommendations from the Taskforce and there are now about six more recommendations to determine if they should be worked on; if so, by whom; or if they should be dropped. Mr. Hall stated that the BJA could plow through them during the current meeting or carry them over to the May BJA agenda for action. He commented that the recommendations may require more time than is available during the current meeting.

Chief Justice Alexander said he thought it was best to put this over a month.

Draft Criteria of Family and Juvenile Court Improvement Plan

Ms. McDougall stated she was pleased to be talking about the implementation strategy and the local improvement plans. They have really come a long way in just one year.

The Family and Juvenile Court Improvement Plan Phase I and Phase II implementation strategies were included in the meeting materials, along with an implementation schedule for FY09. All the documents were in draft form but Ms. McDougall asked for feedback from the BJA regarding the plans and schedule. The goal is for the process to go smoothly without making it cumbersome.

Ms. McDougall stated that up to ten courts will be selected initially. They would like to fund at least one court in each DSHS region and since Region 6 is so large, that region would receive funding for two courts.

Drafts of this plan will be shared with the SCJA, AWSCA and WAJCA over the next few weeks. They hope to come back to the BJA in May with endorsements from those associations regarding the implementation strategy. According to the statute, the BJA has to agree on the criteria.

Judge Fleck reported that additional funding will be needed to move into Phase II.

She also stated that Judge Costello did the yeoman's work regarding lobbying for this legislation and that the SCJA is very pleased with the Improvement Plan.

Washington State Bar Association (WSBA)

Ms. Littlewood reported that the WSBA Board of Governors (BOG) will begin discussing a two-year licensing cycle to begin in 2010. The Bar is also undergoing a systematic review of all programming from top to bottom and will soon be making the first recommendations on six of the 35 committees, boards and panels.

The Marriage and the Law forums are focused on marriage equality. The forum registration in Tacoma had to be closed because of the overwhelming response. Another forum will be offered in Spokane at Gonzaga.

The April *Bar News* was devoted to judicial selection and the BOG will take up this issue at their June meeting in Vancouver.

The proposed legal technician rule will be included in the June and July issues of *Bar News*. The rule will be introduced in the June issue and the July issue will feature several articles in favor of the proposed rule and a few articles opposed to the rule. The BOG will take action on this issue during their September meeting.

WSBA President-elect, Mr. Mark Johnson, and Ms. Littlewood traveled to the Western Bar Conference to spend time talking about common issues and concerns. Several issues surfaced throughout the conference: 1) there is a lot of talk and energy surrounding a national bar exam, 2) the aging lawyer population resulting in declining memberships in bar associations, 3) mandatory insurance disclosure, and 4) continued legislative initiatives (e.g. South Dakota's "Jail for Judges").

Reports from the Courts

Supreme Court: Chief Justice Alexander reported that the Supreme Court is in the process of selecting a permanent State Court Administrator. The Supreme Court Personnel Committee (consisting of Justice Barbara Madsen, Justice Mary Fairhurst and Justice Charles Johnson) conducted first round interviews and are reducing the number of candidates for the second round of interviews which will include other stakeholders.

The Supreme Court will be hearing oral arguments at Highline Community College on May 6. The Court will visit the college on May 5 to attend classes and meet the faculty. They will hear three cases on May 6. This will be the first time they have visited Highline Community College and they are looking forward to it.

Court of Appeals: Judge Bridgewater reported that Division I has a new Chief Judge, Ann Schindler; the new Chief Judge in Division II is Judge Elaine Houghton; and the Division III Chief Judge is John Schultheis.

The Court of Appeals will be bringing forward a request for an eighth judge in Division II and they hope the BJA will support the request.

The Division II building is still on the auction block. It could be sold to the Tacoma Housing Authority. Division II would like an extension on the lease if the building is sold and are hopeful that under any scenario they will be able to stay in the building.

Superior Court Judges' Association (SCJA): Judge Churchill reported that this is Judge Costello's last meeting on the BJA. Judge Costello agreed to serve on the BJA for this particular year because Judge Churchill was already serving on the BJA when she became SCJA President. When Judge McDermott becomes SCJA President in the next few weeks, Judge Churchill will remain on the BJA. Judge Churchill thanked Judge Costello for his service on the BJA and as the SCJA Legislative Committee Chair.

The SCJA is having their Spring Conference at Semiahmoo next week and they have a full agenda.

District and Municipal Court Judges' Association (DMCJA): Judge Shelton reported that there is a DMCJA Long-range Planning meeting the first of May and then Spring Conference will be held in Chelan on June 1. Judge Shelton hopes Judge McDermott and Chief Justice Alexander can be guests at the conference.

Other Business

BJA Quarterly Financial Report: The Quarterly Financial Report was distributed.

There being no further business, the meeting was adjourned.

WASHINGTON STATE

FAMILY AND JUVENILE COURT IMPROVEMENT PLAN

CRITERIA

PHASE I FUNDING APPLICATION

In order to be eligible for Family and Juvenile Court Improvement [WFJCIP] grant funds, courts are required by statute and by the Board for Judicial Administration to meet the following criteria.

- 1] Commit to a chief judge(s) assignment to the family and juvenile court for a minimum of two years;
- 2] The chief judge(s) will ensure judicial officers who preside over family and juvenile court proceedings, comply with 30 hours of specialized education within 6 months of assuming their duties. [See Attachment A]
- 3] Hire Case Coordinator staff, whose efforts are devoted to assessing the needs, development and administration of the court's WFJCIP. [See Attachment B for model job description, salary information [TBD], and staff level based on number of judicial officers]
- 4] Courts applying for WFJCIP funds will submit, as part of the funding application for Phase I Local Improvement Plan, a proposed budget that assumes costs for education and case coordinator salary and benefits. WFJCIP funds must be used to supplement, not supplant, any other local, state and federal funds for the court.
- 5] Work in conjunction with the Administrative Office of the Courts [AOC] to collect data and gather information to evaluate appropriate outcomes from the court's WFJCIP.

WASHINGTON STATE

FAMILY AND JUVENILE COURT IMPROVEMENT PLAN

CRITERIA

PHASE II FUNDING APPLICATION

In order to be eligible for Family and Juvenile Court Improvement [WFJCIP] grant funds, courts are required by statute and by the Board for Judicial Administration to meet the following criteria.

- 1] Commit to a chief judge(s) assignment to the family and juvenile court for a minimum of two years;
- 2] The chief judge(s) will ensure judicial officers who preside over family and juvenile court proceedings, comply with 30 hours of specialized education within 6 months of assuming their duties. [See Attachment A]
- 3] Hire Case Coordinator staff, whose efforts are devoted to assessing the needs, development, and administration of the court's WFJCIP. [See Attachment B for model job description, salary information [TBD], and staff level based on number of judicial officers]
- 4] The court will implement court coordination measures that are consistent with the Unified Family Court (UFC) principle of one judicial team hearing all proceedings in a case involving one family, especially in dependency cases. Courts will define these measures in the Local Improvement Plan, Phase II.
- 5] Identify which UFC will be incorporated into the WFJCIP. Each request shall identify at least one UFC principle that the improvement will aim to accomplish. [See Attachment C detailing the UFC Principles]
- 6] Work in conjunction with the Administrative Office of the Courts to collect data and gather information to evaluate appropriate outcomes from the court's WFJCIP.



WASHINGTON
COURTS

BOARD FOR JUDICIAL ADMINISTRATION

March 11, 2008

Honorable Gerry L. Alexander, Co-Chair
Board for Judicial Administration
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Alexander,

As part of the effort to update the Long-Range Plan for the Judiciary, the Board for Judicial Administration Long-Range Planning Committee (LRPC) has been reviewing recommendations made over the past 20 years by a variety of commissions, task forces, and committees. This review was undertaken in recognition of the fact that past long-range planning efforts have been relatively informal, and that much of the planning effort has actually been undertaken by these commissions and task forces.

The recommendations, 350 in all, have been sorted into categories based on whether they have been implemented, are being currently worked on, are known to have been officially rejected, or are as yet incomplete. We are seeking your assistance to determine the status of one or more of the recommendations that are in the "incomplete" category. The goal of the Long-Range Planning Committee in seeking your assistance is to determine whether or not a recommendation warrants renewed or continued inclusion in the Judiciary's long-range plan.

Therefore, please find attached a packet containing a separate page for each recommendation on which we seek your input. For convenience, a check-box response area is provided on each page with additional room for comment. We would greatly appreciate receiving your responses no later than Friday, April 25.

On behalf of the Committee, I thank you in advance for your time and effort. We look forward to receiving your thoughts and comments on these recommendations.

Sincerely,

Judge Vickie I. Churchill, Chair
Board for Judicial Administration
Long-Range Planning Committee

cc: Jeff Hall, AOC

TEMPLE OF JUSTICE

415 12th Street West • PO Box 41174 • Olympia, WA 98504-1174
360-357-2121 • 160-357-2127 • www.courts.wa.gov

**Board for Judicial Administration
Long-Range Planning Committee**

TASKFORCE RECOMMENDATION REVIEWS

Referral To: BOARD FOR JUDICIAL ADMINISTRATION

Recommendation for review:

The Supreme Court should establish a task force to recommend a uniform schedule of filing fees,* evaluate the practice of recovery of filing fees, and create a model contract defining court services.

DMCJA should draft legislation requiring that all contracts or agreements for court services be reduced to writing and filed with OAC.

*Fees for providing services to contracting courts

Source: Wilson Report, 1997 (pages 153-156, # K 1 and # K 2. (LRP 308, 309))

Wilson Report Analysis:

Some cities contract for court services rather than forming their own municipal courts. Others contract only for specific services, e.g. jury trials. There is no standard contract, and some are simply informal oral agreements. Others are written, formal contracts involving considerable detail.

The amounts charged for any given service varies substantially throughout the state and sometimes even within the same county. The amounts charged are often negotiated between the county or city and the jurisdiction receiving the service. The court providing the service may not be a party to the negotiation process at all. Some of the courts providing court services charge on the basis of the specific service provided, and others do not charge for any services. The most common charge is based on a filing fee for each case type.

DMCJA Commentary (May 1999):

DMCJA will propose an amendment to RCW 3.50.100 and 3.50.060 requiring new courts to report their establishment to the Supreme Court. While not directly related to this specific Wilson report recommendation, the committee concurred with an observation contained in the conclusion of the report that "no one knows...how many courts of limited jurisdiction there are". One problem is the lack of a requirement that newly formed courts report their establishment to the Supreme Court or OAC. This recommendation is one step toward a solution for this problem.

Note:

CLJ court information is reported to AOC under ARLJ 12 (see attached). Compliance was approximately 70% in 2006.

DMCJA Commentary (September 1999):

DMCJA will draft a court rule requiring that contracts or agreements for court services between governmental entities be reduced to writing and filed with OAC.

BJA LRP Comment:

This was negotiated out of recent legislative proposals by the cities. Current agreements are filed with local auditors but not readily available. BJA should pursue legislation.

REVIEW RESPONSE:

- ☐ This recommendation should be included in the Judiciary's Long-Range Plan and
- ☐ Will be worked on by this group.
- ☐ Should be referred to the following group for action: _____.
- ☐ This recommendation is more properly addressed by the following group and should be re-referred for review: _____.
- ☐ This recommendation is no longer relevant, has been previously rejected or otherwise does not warrant further action or consideration.
- ☐ This recommendation has previously been acted upon and is completed.

COMMENTS:

ARLJ 12

REGISTRATION BY COURTS OF LIMITED JURISDICTION

(1) All courts of limited jurisdiction shall register with the Administrative Office of the Courts. The registration shall include the name of the court, address, telephone number and the names of judicial officers and the court clerk or administrator. The registration shall include the days of the week and the hours the court is open for business to the public. The official registration must be updated annually by each court on or before July 1 and also within 30 days from the date of any changes in the information previously supplied to the Administrative Office of the Courts.

(2) The failure of a court to register as required by this rule shall not affect in any way the power or authority of a court.

(Adopted effective September 1, 2002; amended effective November 8, 2005.)

Return by: April 25, 2008

Return to: Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Board for Judicial Administration
Long-Range Planning Committee

TASKFORCE RECOMMENDATION REVIEWS

Referral To: BOARD FOR JUDICIAL ADMINISTRATION

Recommendation for review:

All candidates for judicial office shall have been active members of the state bar and/or shall have served as a judicial officer for at least the stated time periods:

- Supreme Court and Court of Appeals – 10 years
- Superior Court – 7 years
- District Court – 5 years.

Source: Walsh Commission, 1996 (pages 4, 17 (LRP 71))

Walsh Commission Summary:

Currently, a person need only to have passed the bar and be a registered voter to qualify for most judicial positions in Washington; yet the qualities of a good judge—balance, sensitivity, judgment—develop only through experience.

Voters consistently testified to the Commission that judges should be experienced lawyers, and should meet minimum requirements for years of legal practice.

The recommended experience requirements are within the range of those in other states that have addressed this problem.

Note:

SB 5785 and SJR 8212 (2001 and 2002) adding sections to RCW Chapters 2.04 and 2.08 failed. (Admitted to practice of law in WA State: Supreme Court 15 yrs, Superior Court 5 years.) A constitutional amendment would be necessary.

REVIEW RESPONSE:

- ☐ This recommendation should be included in the Judiciary's Long-Range Plan and
 - ☐ Will be worked on by this group.
 - ☐ Should be referred to the following group for action: _____
- ☐ This recommendation is more properly addressed by the following group and should be re-referred for review: _____
- ☐ This recommendation is no longer relevant, has been previously rejected or otherwise does not warrant further action or consideration.
- ☐ This recommendation has previously been acted upon and is completed

COMMENTS:

Return by: April 25, 2008

Return to: Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

**Board for Judicial Administration
Long-Range Planning Committee**

TASKFORCE RECOMMENDATION REVIEWS

Referral To: BOARD FOR JUDICIAL ADMINISTRATION

Recommendation for review:

All candidates for judicial office shall have resided in the judicial district or county for the stated time periods immediately preceding candidacy:

- Supreme Court – 7 years in state
- Court of Appeals – 5 years in judicial district
- Superior Court – 5 years in judicial district
- District Court – 2 years in county.

Source: Walsh Commission, 1996 (pages 4, 19 (LRP 72))

Walsh Commission Summary:

Judges should know the communities they serve, and community members should have an opportunity to know their judges. A residency requirement establishes this connection.

Currently, judicial candidates have no significant residency requirement except to be registered voters.

The recommended residency requirements are within the range of those in other states that have addressed this problem.

Note:

See statutes on reverse.

REVIEW RESPONSE:

- ☐ This recommendation should be included in the Judiciary's Long-Range Plan and
 - ☐ Will be worked on by this group.
 - ☐ Should be referred to the following group for action: _____.
- ☐ This recommendation is more properly addressed by the following group and should be re-referred for review: _____.
- ☐ This recommendation is no longer relevant, has been previously rejected or otherwise does not warrant further action or consideration.
- ☐ This recommendation has previously been acted upon and is completed.

COMMENTS:

RCW 3.34.060 District judges—Eligibility and qualifications.

To be eligible to file a declaration of candidacy for and to serve as a district court judge, a person must:

(1) Be a registered voter of the district court district and electoral district, if any ...

RCW 3.50.057 Judges—Residency requirement.

A judge of a municipal court need not be a resident of the city in which the court is created, but must be a resident of the county in which the city is located.

RCW 2.08.060 Judges—Election

There shall be in each of the counties a superior court. Judges of the superior court shall be elected at the general election in November, 1952, and every four years thereafter.

RCW 2.24.010 Appointment of court commissioners—Qualifications—Term of office.

There may be appointed in each county or judicial district, by the judges of the superior court having jurisdiction therein, one or more court commissioners for said county or judicial district. Each such commissioner shall be a citizen of the United States and shall hold the office during the pleasure of the judges making the appointment.

Washington Constitution, Article IV

Section 5 Superior Court – Election of Judges, Terms, etc.

There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election...

Section 17 Eligibility of Judges

No person shall be eligible to the office of judge of the supreme court, or judge of a superior court, unless he shall have been admitted to practice in the courts of record of this state, or of the Territory of Washington.

Note:

There is no residency requirement for superior court judges.

Return by: April 25, 2008

Return to: Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Board for Judicial Administration
Long-Range Planning Committee

TASKFORCE RECOMMENDATION REVIEWS

Referral To: BOARD FOR JUDICIAL ADMINISTRATION

Recommendation for review:

Courts should publish and post for public review, the amounts charged for all fees and costs

Source: Wilson Report, 1997 (pages 85-87, # E-2 2. (LRP 263))

Wilson Report Analysis:

Improvement is needed regarding the provision of information to the public on the fees charged by the court and the procedures for obtaining waivers of the fees. Most fees and costs are set by Supreme Court Rule or statute. However, some are set by local courts or by local ordinance. Fees and costs set by local courts or local ordinance vary from court to court even within the same county. Generally, lists of costs and fees are not published.

BJA LRPC comment:

This affects all court levels.

REVIEW RESPONSE:

- ☐ This recommendation should be included in the Judiciary's Long-Range Plan and
- ☐ Will be worked on by this group.
- ☐ Should be referred to the following group for action: _____
- ☐ This recommendation is more properly addressed by the following group and should be re-referred for review: _____
- ☐ This recommendation is no longer relevant, has been previously rejected or otherwise does not warrant further action or consideration.
- ☐ This recommendation has previously been acted upon and is completed.

COMMENTS :

Return by: April 25, 2008

Return to: Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Board for Judicial Administration
Long-Range Planning Committee

TASKFORCE RECOMMENDATION REVIEWS

Referral To: BOARD FOR JUDICIAL ADMINISTRATION

Recommendation for review:

The Commission recommends that the Supreme Court require, and state and local legislative bodies fund, community supervision and probation services in the courts of limited jurisdiction, so that such services will be available in all courts for all defendants who need them.

Source: Commission on Washington Trial Courts, 1990 (pages 58-59 (LRP 35))

Commission on Washington Trial Courts Analysis:

Many misdemeanors are serious crimes involving defendants who post a risk to the community. Sentencing often involves imposition of conditions such as requiring the defendant to engage in treatment, to pay fines or restitution, or to become employed or stay in school, not to drive without a valid license and liability insurance, and the like.

At the present time, many courts of limited jurisdiction do not have community supervision or probation services for defendants convicted of misdemeanors. (Similarly, no probation services are available through the Department of Corrections which provides probation services for the superior courts for the many superior court felony cases disposed of by reduction to a gross misdemeanor, unless the county district courts provide probation services for those cases under contract.)

The lack of community supervision and probation services creates major burdens for the judges in courts of limited jurisdiction, either because the judge lacks information needed to sentence the offender, or, more commonly, because the judge lacks the necessary time and resources to ensure that each defendant complies with the terms of the sentence. The Commission views the situation as a major deficiency and endorses the availability of probation services.

Community supervision and probation services in courts of limited jurisdiction should be adequate, based on a weighted caseload system, and should include but not be limited to providing:

- Offender background investigations.
- Sentencing recommendations.
- Supervision of conditions of sentences.
- Increased collection of fines and fees.
- Intensive supervision for high risk offenders.

REVIEW RESPONSE:

- ☐ This recommendation should be included in the Judiciary's Long-Range Plan and
 - ☐ Will be worked on by this group.
 - ☐ Should be referred to the following group for action: _____.
- ☐ This recommendation is more properly addressed by the following group and should be re-referred for review: _____.
- ☐ This recommendation is no longer relevant, has been previously rejected or otherwise does not warrant further action or consideration.
- ☐ This recommendation has previously been acted upon and is completed

COMMENTS:

Return by: April 25, 2008

Return to: Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

"Justice in all cases shall be administered openly, and without unnecessary delay."

Washington State Constitution, Article I, Section 10.

Washington State's judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of criminal and civil justice in the state.

The judicial branch in Washington State is not structurally unified at the statewide level. Ours is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments which are grounded in mutual respect for the constitutional prerogatives of each branch and constitutional separation of powers considerations.

The following represent the principal policy goals of the Washington State Judicial Branch¹.

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Individuals with important interests at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

¹ This is a general statement of policy goals for the statewide judicial branch. It does not create legally enforceable rights that do not otherwise exist under law.